

MEMO ENDORSED

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Honorable James C. Francis
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

JOINT APPLICATION

Re: Indemnity Insurance Company of North America
v. Burlington Northern and Santa Fe, et al.
07 Civ. 7858 (JCF)
Our File: 7G-1459

Dear Judge Francis:

I represent the plaintiff in this action which involves a cargo damage claim arising from a derailment. The case has been referred to Your Honor for all purposes.

For reasons not anticipated at the initial status conference, it does not appear that it will be possible to complete discovery within the present deadline. There has been some exchange of documents and some dialogue concerning possible settlement. However, additional time is needed to complete the disclosure and discovery process. Counsel join in respectfully requesting that the deadlines be adjusted as follows:

Completion of Discovery: July 18, 2008
Submission of Joint Pretrial Order (or dispositive motions): August 18, 2008.

For the Court's reference a copy of the February 22, 2008 scheduling order is annexed. This is the first request for an adjournment of the scheduling order deadlines. The Court's attention is appreciated.

Respectfully,

David L. Mazaroli

encl.

5/19/08

Application
granted.

SO ORDERED.

James C. Francis IV
USMS